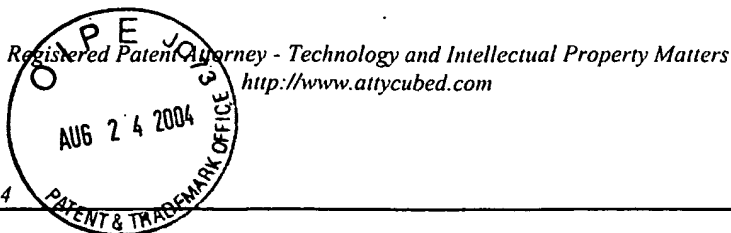


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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
NEUMANN )  
)  
)  
Serial No.: 10/741,328 )  
)  
Filing Date: December 19, 2003 )  
)  
Attorney Docket No.: NEU-108 )  
)  
)  
Title: CAPSICUM BASED )  
SEED COATING AND )  
METHOD OF USE )  
)

**TRANSMITTAL**

Date Mailed: August 19, 2004

Examiner:

Group Art Unit: 3643

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**TRANSMITTAL**

Dear Sir:

Enclosed please find the following documents related to the above-entitled patent application:

1. INFORMATION DISCLOSURE STATEMENT: 5 page(s);
2. IDS Form-PTO/SB/08A&B: 4 page(s); and
3. Return Receipt Postcard.

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TRANSMITTAL  
Filing Date: December 19, 2003  
Date of Mailing: August 19, 2004

Title: CAPSICUM BASED SEED COATING AND METHOD OF USE  
Serial No.: 10/741,328  
Attorney Docket No.: NEU-108  
Page 1 of 2

Respectfully submitted,

RAY K. SHAHANI  
ATTORNEY AT LAW

Dated: August 19, 2004

By: Ray K. Shahani, Esq.  
Attorney for Applicant(s)

Ray K. Shahani, Esq.                      Registration No.: 37,554  
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Date Mailed: August 19, 2004

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Filing Date: December 19, 2003

Date of Mailing: August 19, 2004

Title: CAPSICUM BASED SEED COATING AND METHOD OF USE

Serial No.: 10/741.328

Attorney Docket No.: NEU-108

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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NEUMANN )  
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Attorney Docket No.: NEU-108 )  
Title: CAPSICUM BASED )  
SEED COATING AND )  
METHOD OF USE )

**INFORMATION DISCLOSURE  
STATEMENT (R. 56)**

Date Mailed: August 19, 2004

Examiner:

Group Art Unit: 3643

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P.O. Box 1450  
Alexandria, VA 22313-1450

**INFORMATION DISCLOSURE STATEMENT(R. 56)**

Dear Sir:

Pursuant to 37 C.F.R. 1.97 the Applicant submits the following information disclosure statement and the accompanying documents.

The Applicant has not caused the comprehensive search to have been made concerning the invention disclosed and claimed in the application; this information simply presents those items known to the Applicant which the Applicant considers material to an examination of this application.

///

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## CERTIFICATION RE FOREIGN APPLICATION CITATION

Applicants hereby certify that each item of information contained in this information disclosure statement cited to Applicant(s) in a communication from a foreign search report in a counterpart foreign application was not cited to Applicant(s) more than three months prior to the filing of this statement.

The accompanying documents include:

1. U.S. Patent No. 312270 , U.S. Class No. 424/773, issued Feb., 1885 to Hoag.;
2. U.S. Patent No. 3793763, U.S. Class No. 43/129, issued Feb., 1974 to Griffin et al.;
3. U.S. Patent No. 4889710, U.S. Class No. 424/45, issued Dec., 1989 to Hagarty;
4. U.S. Patent No. 5027546, U.S. Class No. 43/124, issued Jul., 1991 to Tallon.;
5. U.S. Patent No. 5063706, U.S. Class No. 43/124, issued Nov., 1991 to Aki et al.;
6. U.S. Patent No. 5165199, U.S. Class No. 43/124, issued Nov., 1992 to Tallon;
7. U.S. Patent No. 5240708, U.S. Class No. 424/405, issued Aug., 1993 to Plummer et al.;
8. U.S. Patent No. 5309669, U.S. Class No. 43/124, issued May., 1994 to Jackson;
9. U.S. Patent No. 5361533, U.S. Class No. 43/124, issued Nov., 1994 to Pepper;
10. U.S. Patent No. 5390440, U.S. Class No. 43/124, issued Feb., 1995 to Mihealsick;
11. U.S. Patent No. 5419077, U.S. Class No. 239/121, issued May., 1995 to Tombarelli;
12. U.S. Patent No. 5466459, U.S. Class No. 424/407, issued Nov., 1995 to Wilson;
13. U.S. Patent No. 5489066, U.S. Class No. 239/722, issued Feb., 1996 to Oldham;
14. U.S. Patent No. 5514779, U.S. Class No. 530/379, issued May., 1996 to Brookaert et al.;
15. U.S. Patent No. 5525597, U.S. Class No. 514/75, issued Jun., 1996 to Hainrihar et al.;
16. U.S. Patent No. 5542207, U.S. Class No. 43/132.1, issued Aug., 1996 to Morris, Sr.;
17. U.S. Patent No. 5599803, U.S. Class No. 514/70, issued Feb., 1997 to Hainrihar et al.;
18. U.S. Patent No. 5711953, U.S. Class No. 424/405, issued Jan., 1998 to Bassett.;
19. U.S. Patent No. 5937572, U.S. Class No. 43/132.1, issued Aug., 1999 to Neumann;

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20. U.S. Patent No. 6047496, U.S. Class No. 43/125, issued Apr., 2000 to Leitner et al.;
21. U.S. Patent No. 5672354, U.S. Class No. 424/410, issued Sep., 1997 to Blumberg;
22. U.S. Patent No. 5750466, U.S. Class No. 504/100, issued May 1998 to Wedegaertner et al.;
23. U.S. Patent No. 5137747, U.S. Class No. 427/4, issued Aug. 1992 to Malandain et al.;
24. U.S. Patent No. 5672354, U.S. Class No. 424/410, issued Sep. 1997 to Blumberg;
25. U.S. Patent No. 5879696, U.S. Class No. 424/410, issued Mar. 1999 to Blumberg;
26. U.S. Patent No. 5821269, U.S. Class No. 424/760, issued Oct. 1998 to Blumberg;
27. U.S. Patent No. 5906825, U.S. Class No. 424/404, issued May 1999 to Seabrook et al.;
28. U.S. Patent No. 5849320, U.S. Class No. 424/410, issued Dec. 1998 to Turnblad et al.;
29. U.S. Patent No. 5397385, U.S. Class No. 106/18.32, issued Mar. 1995 to Watts;
30. U.S. Patent No. 5852012, U.S. Class No. 514/229.2, issued Dec. 1998 to Maienfisch et al.;
31. U.S. Patent No. 6022871, U.S. Class No. 514/229.2, issued Feb. 2000 to Maienfisch et al.;
32. U.S. Serial No. 2001/0034964, U.S. Class No. 43/132.1, filed Nov. 2001 by Neumann;
33. U.S. Serial No. 2001/0042339, U.S. Class No. 43/132.1, filed Nov. 2001 by Neumann;
34. Download from Hot Pepper Wax, Inc., HotpepperWax-Products, Jan. 8, 2001, 16 pages;
35. Toxicological Aspects of White Mineral Oils and Petrolatums, Penreco Technical Series, 2 pages;
36. Download form [www.Kalsec.com](http://www.Kalsec.com), Products, Capsicum Oleoresins, Jun. 28, 2000, 3 pages;
37. Penreco, Drakeol 7 light Mineral Oil NF--Product Spcification, 5 pages;
38. Download from [www.hort.purdue.edu.com](http://www.hort.purdue.edu.com), Peppers: History and Exploitation of a Serendipitous New Crop Discovery, W. hardy Eshbaugh, May 23, 1997, 11 pages;

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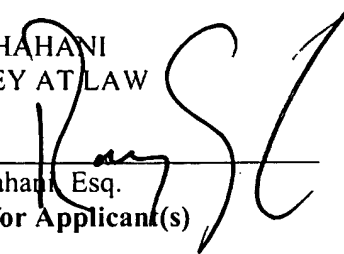
39. Long-Awaited Nonchemical Alternatives to Drywood Termite Control Study Completed  
Pest Control Operator of California, Summer 1996, 4 pages;
40. Helix (TM) Xtra, Syngenta product label for seed treatment, 2 pages;
41. Download of internet website material at <http://neptune.netimages.com/%7Echile/science.html>, etc., 11 pages, May 29, 1997;
42. Sigma Product Information Sheet, 8-methyl-N-vanillyl-6-noneamide, Sigma Product No. M2028, May 23, 1997; and
43. Anonymous. The Greenhouse People's Environmental Centre. Archived as of 5 December 2000, 3 pages.

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Respectfully submitted,

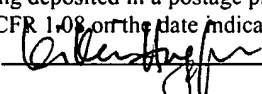
Dated: August 19, 2004

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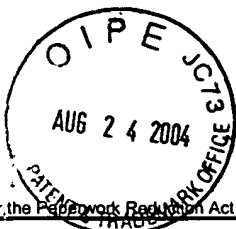
By:   
Ray K. Shahani, Esq.  
Attorney for Applicant(s)

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STATEMENT BY APPLICANT**

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**Complete if Known**

Application Number	10/741,328
Filing Date	December 19, 2003
First Named Inventor	Neumann
Art Unit	3643
Examiner Name	
Attorney Docket Number	NEU-108

Sheet 1 of 4

**U. S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US- 312270	02-1885	Hoag	
		US- 3793763	02-1974	Griffin et al.	
		US- 4889710	12-1989	Hagarty	
		US- 5027546	07-1991	Tallon	
		US- 5063706	11-1991	Aki et al.	
		US- 5165199	11-1992	Tallon	
		US- 5240708	08-1993	Plummer et al.	
		US- 5309669	05-1994	Jackson	
		US- 5361533	11-1994	Pepper	
		US- 5390440	02-1995	Mihealsick	
		US- 5419077	05-1995	Tombarelli	
		US- 5466459	11-1995	Wilson	
		US- 5489066	02-1996	Oldham	
		US- 5514779	05-1996	Broakaert et al.	
		US- 5525597	06-1996	Hainrihar et al.	
		US- 5542207	08-1996	Morris, Sr.	
		US- 5599803	02-1997	Hainrihar et al.	
		US- 5711953	01-1998	Bassett	
		US- 5937572	08-1999	Neumann	

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		Country Code <sup>3</sup> *Number <sup>4</sup> *Kind Code <sup>5</sup> (if known)				

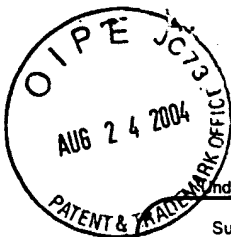
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**Complete if Known**

Application Number	10/741,328
Filing Date	December 19, 2003
First Named Inventor	Neumann
Art Unit	3643
Examiner Name	
Attorney Docket Number	NEU-108

Sheet 2 of 4**U. S. PATENT DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		US- 6047496	04-2000	Leitner et al.	
		US- 5672354	09-1997	Blumberg	
		US- 5750466	05-1998	Wedegaertner et al.	
		US- 5137747	08-1992	Malandain et al.	
		US- 5672354	09-1997	Blumberg	
		US- 5879696	03-1999	Blumberg	
		US- 5821269	10-1998	Blumberg	
		US- 5906825	05-1999	Seabrook et al.	
		US- 5849320	12-1998	Turnblad et al.	
		US- 5397385	03-1995	Watts	
		US- 5852012	12-1998	Maienfisch et al.	
		US- 6022871	02-2000	Maienfisch et al.	
		US- 2001/0034964	11-2001	Neumann	
		US- 2001/0042339	11-2001	Neumann	
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**FOREIGN PATENT DOCUMENTS**

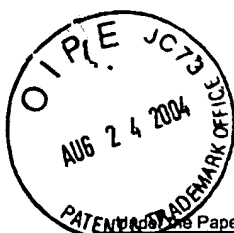
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages Or Relevant Figures Appear	T <sup>6</sup>
		Country Code <sup>3</sup> -Number <sup>4</sup> -Kind Code <sup>5</sup> (if known)				

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		Application Number	10/741,328		
		Filing Date	December 19, 2003		
		First Named Inventor	Neumann		
		Art Unit	3643		
		Examiner Name			
Sheet	3	of	4	Attorney Docket Number	NEU-108

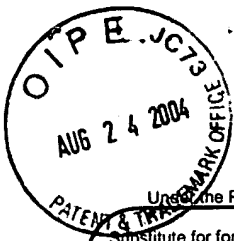
NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		Download from Hot Pepper Wax, Inc., HotpepperWax-Products, Jan. 8, 2001, 16 pages;	
		Toxicological Aspects of White Mineral Oils and Petrolatums, Penreco Technical Series, 2 pages;	
		Download form www.Kalsec.com, Products, Capsicum Oleoresins, Jun. 28, 2000, 3 pages;	
		Penreco, Drakeol 7 light Mineral Oil NF--Product Spcification, 5 pages;	
		Download from www.hort.purdue.edu.com, Peppers: History and Exploitation of a Serendipitous New Crop Discovery, W. hardy Eshbaugh, May 23, 1997, 11 pages;	
		Long-Awaited Nonchemical Alternatives to Drywood Termite Control Study Completed Pest Control Operator of California, Summer 1996, 4 pages;	
		Helix (TM) Xtra, Syngentra product label for seed treatment, 2 pages;	
		Download of internet website material at <a href="http://neptune.netimages.com/%7Echile/science.html">http://neptune.netimages.com/%7Echile/science.html</a> , etc., 11 pages, May 29, 1997;	
		Sigma Product Information Sheet, 8-methyl-N-vanillyl-6-noneamide, Sigma Product No. M2028, May 23, 1997; and	

Examiner Signature	Date Considered
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Filing Date	December 19, 2003
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Attorney Docket Number	NEU-108

Sheet 4 of 4

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		Anonymous. The Greenhouse People's Environmental Centre. Archived as of 5 December 2000, 3 pages.	

Examiner Signature		Date Considered	
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